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Department of Water Resources

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

Subcase No. 65-22527

MOTION TO FILE LATE OBJECTION

C/C, LLC, an Idaho limited liability company, by and through its counsel of record and pursuant to Rule 10(j) of SRBA Administrative Order 1, hereby respectfully moves the Court for leave to file a late Objection to water right number 65-22527 with respect to the Claimant's name and address. This Motion is supported by the Memorandum below and the contemporaneously submitted Affidavit of Dana L. Hofstetter in Support of Motion to File Late Objection and proposed Objection.

MEMORANDUM

In January 2002, the C/C, LLC's counsel filed a Change in Ownership form for water right no. 65-22527 with the Idaho Department of Water Resources . *Affidavit of Dana L. Hofstetter* ("Affidavit"), Exhibit A. Although this filing has remained pending for several months, it appears that the SRBA computer records for this water right continue to list the former owner as the Claimant of this water right. *Affidavit*. C/C, LLC, as the current owner, should be named in the SRBA partial decree for this water right.

CONCLUSION

For the reasons stated above, good cause exists to correct the name of the current water right owner. This Motion to File Late Objection should be granted so that this correction can be made prior to partial decree.

DATED this 11th day of June, 2002.

HOFSTETTER LAW OFFICE, L.L.C.

By


Dana L. Hofstetter

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of June, 2002, I caused to be served copies of the foregoing **Motion to File Late Objection** by the methods indicated below:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Eastern Western Corporation
Michael E. McGinley, President
P.O. Box 3228
Portland, Oregon 97208-3228
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

In Re SRBA) A. Subcase 65-22527
) (Insert water right number)
Case No. 39576)
)
)
)
)

B. NAME AND ADDRESS OF PERSON OBJECTING

Name & Address of Attorney, if any:

Dana L. Hofstetter
Hofstetter Law Office, L.L.C.
608 West Franklin Street
Boise, Idaho 83702
(208) 424-7800

Name: Eastern Western Corporation
Michael E. McGinley, President
Address: P.O. Box 3228
Portland, Oregon 97208-3228

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**
Should be: As indicated in item B on Page 1 of this Objection.
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): A Notice of Completed Administrative Proceeding for the Change in Ownership form filed with IDWR on January 18, 2002 has not been submitted to the Court. Therefore, SRBA Court documents do not accurately reflect current ownership.

VERIFICATION (Must be Completed)

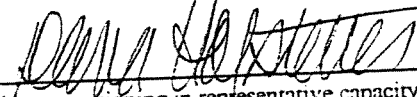
F:

State of Idaho)
) ss.
County of Ada)

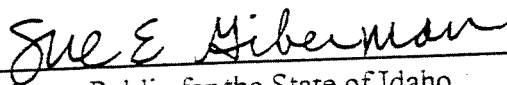
Dana L. Hofstetter, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(i) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 11, 2002


Notary Public for the State of Idaho
Residing at: Boise Idaho
My Commission Expires: 10/11/2006

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June 11, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court (*Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
Twin Falls, ID

2. One copy to the claimant of the water right at the following address:

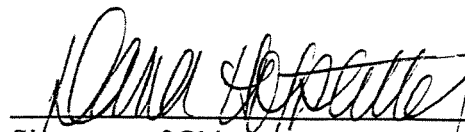
Name: Eastern Western Corporation
Michael E. McGinley, President
Address: P.O. Box 3228
Portland, Oregon 97208-3228

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449



Signature of Objector or attorney
mailing on Objector's behalf

C/C, LLC

Dana L. Hofstetter (ISB #3867)
HOFSTETTER LAW OFFICE, L.L.C.
608 West Franklin Street
Boise, ID 83702
(208) 424-7800
(208) 424-8774 (Facsimile)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

In Re SRBA

Case No. 39576

)
)
) Subcase No. 65-22527
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**Affidavit of Dana L. Hofstetter in
Support of Motion to File Late
Objection**

STATE OF IDAHO)

) ss:

COUNTY OF ADA)

Dana L. Hofstetter, being first duly sworn deposes and states:

- (1) I am the attorney of record for the Claimant, C/C, LLC, in this subcase.
- (2) A true and correct copy of portions of the Notice of Change in Water Right Ownership for Water Right No. 65-22527 which I submitted to the Idaho Department of Water Resources on January 18, 2002 is attached hereto as Exhibit A.

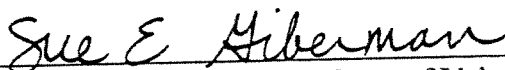
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 11th day of June, 2002.



DANA L. HOFSTETTER

SUBSCRIBED AND SWORN to before me this 11th day of June, 2002.



Notary Public in and for the State of Idaho
Residing at: Boise Idaho
My Commission Expires: 10/11/2006

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of June, 2002, I caused to be served copies of the foregoing **AFFIDAVIT OF DANA L. HOFSTETTER IN SUPPORT OF MOTION TO FILE LATE OBJECTION** by the method indicated upon the following:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, ID 83711-4449
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

Idaho Department of Water Resources
Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724
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Eastern Western Corporation
Michael E. McGinley, President
P.O. Box 3228
Portland, Oregon 97208-3228
✕ U.S. Mail ☐ Fed Ex ☐ Hand ☐ Fax


Dana L. Hofstetter

E:\4001\2\5282

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
65-13091		—		65-22524	—
65-05800	65-5800B	—		65-22526	—
65-19594	65-19594	—		65-22527	—
	65-22520	—		65-22528	—
	65-22522	—		65-22529	—
	65-22523	—		65-22530	—

2. The following REQUIRED information must be submitted with this form:

A. The appropriate FILING FEE. See instructions for fee amounts.

B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

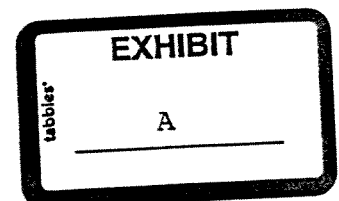
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) Eastern Western Corporation
P.O. Box 3228, Portland, Oregon 97208
4. New Owner/Claimant(s) C/C, LLC
Name Connector (Check one: ☐ and ☐ or ☐ and/or ☐
3990 Highway 52
New Mailing Address Pavette, Idaho 83661
City, State and ZIP Code 208 278-3448
New Telephone Number August 22, 2001
5. Date you acquired the property

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WATER RESOURCES
WESTERN REGION



6.

If the change in ownership affects the entire water right for each water right or water right owner, you must describe, in detail, your portion of each water right after the change. If the change in ownership affects only a portion of the water right, you must describe, in detail, your portion of each water right after the change. If the quantity of water is greater than a proportionate split, you must attach documentation to show that you are not sure how to identify your portion of the original water right on adjudication. If you are not sure how to identify your portion of the original water right on adjudication, IDWR office for assistance.

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If your
amount. If
the request

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, stop this section and proceed to item 7.)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-foot per season)	Description (acres, number and type of wells)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, stop this section and proceed to item 7.)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-foot per season)	Description (acres, number and type of wells)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(attach title if applicable)

C/C, LLC, by [Signature]

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance with IDWR to correspond with identifier for all matters related to your claims.

with

For Office Use Only

Received by: _____	Date: _____	Fee: _____
Received by: _____	Date: _____	Receipt No. _____
Processed by: _____	Date: _____	WR: _____

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P.002

C/C, LLC

Dana L. Hofstetter
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, ID 83702
(208) 424-7800
Fax (208) 424-8774
ISB No. 3867

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

In Re SRBA

Case No. 39576

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)
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)

Subcase Nos. 65-5800B, 65-19594, 65-22520,
65-22522, 65-22523, 65-22524, 65-22526,
65-22527, 65-22528, 65-22529 and 65-22530

NOTICE OF APPEARANCE

Please take notice that Dana L. Hofstetter of Hofstetter Law Office, LLC hereby appears as counsel of record for C/C, LLC in the above-referenced subcases. You are requested to serve all future papers and pleadings on Ms. Hofstetter at the address listed above.

DATED this 18th day of January, 2002.

HOFSTETTER LAW OFFICE, LLC

By


Dana L. Hofstetter